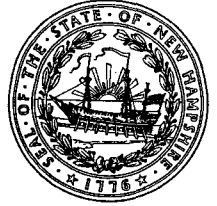




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY

#SP-2004-08

July 27, 2004

Mark A & Lisa Labrie Rivet Et Als
5 Glenwood Lane
Merrimack, NH 03054

RE: DES Wetlands File #2004-01527 156 Webster Ave, Franklin

Dear Mr. and Mrs. Rivet:

On June 15, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Franklin Tax Map 75, Lot 34, Webster Ave, Franklin, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act ("CSPA"), and RSA 482-A, the New Hampshire Wetlands Law, as well as the rules promulgated by these statutes. During the inspection the following deficiencies were noted:

- Rip-rap has been placed in the bank and water of Webster Lake, without permits from the NHDES Wetland Bureau.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES that proposes the rip-rap be moved landward, above top of bank and outside of Wetlands jurisdiction. Your proposed restoration plan should include:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions; and
 2. Proposed conditions after restoration;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B and RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

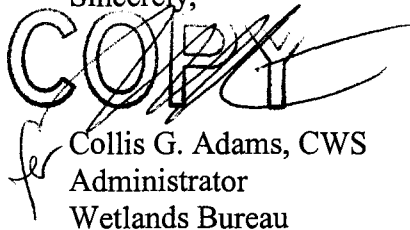
DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, is a fact sheet that explains proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9314

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Franklin Conservation Commission
Franklin Board of Selectmen